

Docket No.: **SS-108U**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

App. No.:	10/764,029)	Examiner: Walczak, David J.
)	
Title:	CLIP WITH SLIDABLE MEMBER)	Art Unit: 3751
)	
Inventor:	Cetera, Carl)	
)	
Filed:	01/22/2004)	
)	

AMENDMENT AFTER FINAL OFFICE ACTION MAILED ON 4/12/2006

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I. Summary of Last Office Action

On April 12, 2006, the Examiner mailed a final office action in response to the Request of Continued Examination, filed on April 5, 2006, of the application identified above. The Examiner allowed Claims 28-37 and objected to Claims 18-21 and 25 as being dependent upon a rejected base claim, but indicated that they are allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Examiner rejected Claims 1, 3-5, 15-17, 22-24, 26, and 27 under 35 U.S.C. 102(b) as being anticipated by US Patent number 6,332,247 issued to Hsieh ("Hsieh reference").

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II. Applicant's Response

A. Cancellation of Rejected Claims

Pursuant to the Examiner's rejection, the rejected Claims 1, 3-5, 15-17, 22-24, 26, and 27 have been canceled. Further, the previously withdrawn method Claim 13 has been canceled as well.

B. Allowable Subject Matter in Claims 18-21 and 25

Complying with the Examiner's suggestion for allowance indicated in the Final Office Action, Claims 18-21 have been rewritten as new independent Claim 38 and its dependent Claims 39-41, including all elements and limitations of the base Claim 1 and the intervening Claims 16-18, and Claim 25 has been rewritten as new independent Claim 42, including all elements and limitations of the base Claim 3 and the intervening Claims 4 and 23-25. Claims 18-21 and 25 have been subsequently canceled.

III. The Tien Patent and Rule 131 Affidavit

Applicant recently discovered U.S. Patent Number D494,217 filed on July 9, 2003 and issued on August 10, 2004 to Tien ("Tien" reference). While Applicant believes the present invention is distinguishable from that which is disclosed by the Tien reference, Applicant is concurrently submitting herewith an Information Disclosure Statement disclosing the Tien reference, an affidavit under 37 CFR § 1.131 (Rule 131) signed by the inventor Mr. Carl Cetera declaring that the present invention was first conceived on December 1, 2001, a sketch embodying the invention dated March 5, 2002, and a corroborating e-mail from Mr. Carl Cetera and Mr. Chris Suess dated February 28, 2002. Applicant respectfully submits that the Rule 131 Affidavit effectively antedates the Tien reference. Moreover, Applicant submits that the Tien reference does not qualify as prior art and maintains that the claims continue to remain

patentable.

IV. Conclusion

Amending Claims in full compliance with the Examiner's Action, Applicant hereby submits that the application is in condition for allowance and requests that such action be taken by the Examiner.

Respectfully Submitted,

Date: 9/7/06

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